

Order

Michigan Supreme Court
Lansing, Michigan

April 29, 2015

Robert P. Young, Jr.,
Chief Justice

149955 & (55)

Stephen J. Markman

Mary Beth Kelly

Brian K. Zahra

Bridget M. McCormack

David F. Viviano

Richard H. Bernstein,
Justices

JEFFREY CULLUM,
Plaintiff-Appellee,

v

SC: 149955
COA: 313739
Wayne CC: 10-007013-NH

FREDERICK L. LOPATIN, D.O.,
Defendant-Appellant,

and

DEARBORN EAR, NOSE, AND THROAT
CLINIC, P.C.,
Defendant.

On order of the Court, the application for leave to appeal the July 10, 2014 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.302(H)(1). The parties shall file supplemental briefs within 42 days of the date of this order addressing whether: (1) the trial court was required to consider all of the factors outlined in MCL 600.2955(1) in light of *Edry v Adelman*, 486 Mich 634 (2010); (2) the trial court abused its discretion in holding that plaintiff's expert's opinion was inadmissible under MRE 702 because it was based on speculation; and (3) the Court of Appeals applied the correct standard of review. The parties should not submit mere restatements of their application papers.

The Michigan Association for Justice and Michigan Defense Trial Counsel, Inc. are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.

The motion to expand the record is DENIED.



d0422

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 29, 2015

Clerk